

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- X
GARFIELD ANTHONY WILLIAMS :

Plaintiff(s), : 1:20- CV-5995

v. :
CITY OF NEW YORK; POLICE OFFICER OSCAR :
HERNANDEZ, TAX ID NO. 967545; POLICE :
OFFICER JOSEPH OTTAVIANO, TAX ID. NO. :
963677; DETECTIVE RUBEN LEON NO. 4232 :

Defendant(s). :
----- X

AFFIDAVIT OF CELIA BURGOS IN SUPPORT OF PLAINTIFF'S OPPOSITION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)


CELIA M. BURGOS LMSW, being duly sworn, deposes and says:

1. I am over 18 years of age, of sound mind and otherwise competent to make this Affidavit. The evidence set out in the foregoing Affidavit is based on my personal knowledge.
2. I am School Social Worker Licensed in the State of New York, a friend of Garfield Anthony Williams, and I submit this Affidavit in support of Plaintiff's Opposition to Defendant's Motion For Summary Judgment.
3. On December 14, 2019 I was coming from my home located at 4056 Laconia Ave, Bronx, NY 10466. I was heading in the direction of Mr. William's home. When I merged onto the highway, there was a lot of traffic. When I got to where the accident occurred, I saw and instantly recognized, Mr. William's vehicle. I recognized the license plates and the make and model of the vehicle. There were no police present when I arrived.
4. Mr. William's came into my vehicle. Mr. William's complained that he had trouble breathing and that his chest hurt. Eugene Touissant arrived at that time and we decided to call 911 requesting emergency medical attention for Mr. Williams. The police arrived before the ambulance.

5. After some time, Police Officers approached the vehicle. When they approached, they spoke to Eugene and Mr. Williams. They kept going back and forth between Mr. William's vehicle and my car. They stopped by my window, asked me to identify myself, and asked why I was there.
6. We were sitting there for a long time. Eugene would get out of the car and speak to the police officers. Mr. William's answered some questions from the police officers and Eugene answered others. Eugene informed the police officers that he was Mr. William's attorney.
7. I observed the police officers speak to the paramedics, speak to the other officers, and then approach my vehicle, open the door, and inform Mr. William's that he was being arrested. I was shocked that Mr. William's was placed under arrest. I did not understand why he was being arrested when he required medical care. Also, I did not know what he was being arrested for because there were no questions toward him about alcohol.
8. I was able to personally observe Mr. William's physical condition. He did not have bloodshot, watery eyes while he was in the vehicle with me. At no point, prior to and after the arrest, did I see Mr. William's stumbling. Mr. William's also did not have slurred speech. I also did not smell any alcohol from his breath the entire time he was in my vehicle. He was able to walk, talk, and interact with the officer's without obstruction.
9. We, Eugene and I, were told that Mr. William's was being taken to Lincoln Hospital, located at 234 E 149th St, Bronx, NY 10451. We were concerned he was being taken there because the hospital's nickname is "the morgue." When we arrived at Lincoln Hospital, we were told that Mr. William's was not at that hospital. Eugene called the dispatch to attempt to find where he was transported to. The dispatch informed us that he was being transported to Jacobi Medical Center.
10. We walked into the emergency room in the waiting area, while Eugene was attempting to get in to the triage room. I was suffering from severe anxiety while I was in the waiting room, not knowing what was going on. I was not able to speak to him nor did I see him while I was at the hospital.


CELIA M. BURGOS

Sworn to before me this 19
day of April, 2022


NOTARY PUBLIC

JHANEIDY S. CHECO
Notary Public, State of New York
No. 01CH6390049
Qualified in New York County
Commission Expires 04/08/2023